

Harry Thaw's Attorneys Begin Work of Establishing Their Main Line of Defense by Calling Expert on Insanity Cases as First Witness

ard Thaw's words, "I killed him because he ruined my wife," as a sign of insanity or insanity?"

"Rational speeches and incidents may enter into the commission of an insane act," parried Wiley.

JEROME STILL AT HIM.

But Jerome kept right after him, nagging at the witness persistently. He insisted that Dr. Wiley point out one act or speech of Thaw on the roof garden that indicated insanity.

"His delusion as expressed in his words to his wife, 'I have probably saved your life,' was certainly one evidence, besides the other and contributory elements of insanity which I have pointed out," said Wiley.

"How often have I warned you to confine your answers to the question which I ask you?" inquired Jerome, in the casually inquisitive tone of a census enumerator at a citizen's front door.

"I don't know how often you've warned me," said Wiley, with a gesture that was as good as saying he didn't care how often, either. "I am only trying to answer your questions sensibly."

THAW IS QUITE INDIFFERENT.

Thaw's mind wandered entirely away from the dragging battle of wit. He fell to watching the work of the reporters who, for lack of space in the fore part of the room, are jammed together right under his elbows. He grinned contemplatively when a reporter showed him how many pages of copy he had written. Even the spur of his wife's name, so often repeated, no longer roused him. At first he had picked up his head and extended his nostrils when Jerome would mention her, but now he tried to engage his mind with the minor by-plays of the main drama revolving about him.

"Do you think that a man who was born with the taint of insanity in him and who had the poison of insanity growing and developing in him all the time, could live for thirty-six years without having plainly visible physical symptoms of his mental state?"

"It might be possible."

"Do you know anything about the Ramberg test for physical evidences of mental unsoundness?"

"I don't recall reading anything about the Ramberg test," said the witness.

Mr. Jerome laughed aloud, derisively. "How many supposed lunatics have you professionally examined in your life?"

"About 600 I should say."

"Did you apply the Ramberg test to any of these 600?"

"I think not."

"Don't you know whether you applied the Ramberg test or the conventional test to these 600 persons?"

"I don't recall anything about the Ramberg test."

A THREE-SIDED PUZZLE.

Jerome wanted to know if a man fell in a fit in the street and Dr. Wiley were called to attend him, how the physician would know whether the sufferer had epilepsy, alcoholic convulsions or a fracture at the base of the skull. The witness thought he would have to look at the position of the man's thumbs and smell his breath. He wasn't certain whether he would be instantly able to diagnose the case directly.

"I am under the impression," he began.

"Never mind, never mind," sneered Mr. Jerome. "I am not interested in your impressions. Do you know the symptoms of hemorrhage of the pons?"

"I do."

"Can you describe one single external symptom of hemorrhage of the pons?"

The witness was still pondering over his answer when Justice Fitzgerald asked Jerome if he were nearly through with Dr. Wiley.

"Oh, no, I've hardly begun," said the public prosecutor cheerfully.

So the justice, with an air of resignation, ordered a recess.

A POSER FOR THE DOCTOR.

The doctor went back on the stand after the noon recess. Mr. Jerome wanted to know if he had discussed the Ramberg test for epilepsy during the lunch hour.

"Yes," said Dr. Wiley. "I discussed the matter with several gentlemen."

"What gentlemen?"

"Why some of the lawyers for Mr. Thaw."

"Were any of the alienists for the defense present?"

"No, I think not."

"Have you ever heard of the coccyx?"

"No."

"Do you not know that it is at the extremity of the spinal column?"

"I don't recall."

"Are you prepared to say there is no such thing as the coccyx in the human body?"

"No."

BOMBARDMENT KEPT UP.

"Have you ever read Dr. Hammond on 'Nervous Diseases'?"

"I don't remember."

"Do you know one difference between the cardiac nerve and the pneumogastric nerve?"

"I think so."

"Do you not know that they are one and the same thing?"

"I do not."

The examination went along like this for half an hour. Jerome kept at the expert and the expert grew more and more restless. It was difficult for laymen to tell whether the inquisition tended—unless Mr. Jerome wanted to show his knowledge of medical terms or the witness's ignorance of them. It appeared to be a futile, pointless business in which neither party gained or lost ground.

"Do you undertake to treat nervous diseases without knowledge of the nervous system?"

"I do not."

GETS THE DOCTOR WORRIED.

"Do you know whether the cardiac nerve enters the brain or the spinal column?"

"I am not prepared to say at this time."

"What is the principal nerve in the body?"

The witness hesitated a long minute. Then he said, haltingly:

"I should say the cardiac nerve."

"Are you prepared to say that the cardiac nerve and the pneumogastric nerve are not synonymous?"

"I am not prepared to say."

"What nerve controls the spleen?"

"I can't say."

"What nerve controls the kidneys?"

"I won't say positively."

Dr. Wiley was beginning to suffer heavily under Jerome's grilling. He hesitated long in his replies and wriggled in his chair unhappily.

"Do you know of any nerve that doesn't have its direct connection with the spine?"

Dr. Wiley wasn't certain about that. He couldn't recall. He thought maybe the auditory nerve didn't connect.

"Do you know the name of a single vital that does connect with the spinal column?"

"I am not prepared to say."

NOT FAMILIAR WITH THE NERVES.

"Will you name a single important nerve that connects with the spinal column?"

"I think of none now."

"Is not the pneumogastric nerve the main nerve of the body?"

"I won't be positive."

Thaw apparently had no regard for the poor showing which his first witness was now making. He grinned appreciatively as Jerome's suave questions washed away Dr. Wiley's front. His attitude was that of the entertained on-looker, not the attitude of the man who had most at stake.

"Can you name a single nerve that performs an important or vital function?" asked Jerome.

"Oh, yes."

"What nerve do you know best?"

"The optic nerve, I should say."

"Do you know what alienists mean by the Argile-Robertson symptoms?"

The discomfited gentleman from Pittsburg wriggled about as if he were sitting on a hot skillet. He finally admitted he couldn't exactly remember what the Argile-Robertson symptoms might be.

THE DOCTOR GOING HARD.

Jerome now forced the unhappy Wiley to admit that he couldn't recall where it was he read about the Argile-Robertson test; that he couldn't even remember reading about it at all and that he didn't know whether Argile-Robertson was one name or two.

Finally the District Attorney put this squelcher:

"Now, Doctor, are you prepared to say whether Argile-Robertson was a real person or whether he is merely a creation of my fancy?"

Dr. Wiley merely shook his head helplessly and gazed at the ceiling as if for inspiration.

"I have seen the name in a text-book," he ventured after a long wait.

"What text-book?"

"I can't say."

"Can you name any text-book in God's green earth where such a name is used?"

"I guess I can't."

DOCTOR GROWS DESPERATE.

Once in sheer desperation the tortured Dr. Wiley blurted out:

"I only came here to testify to facts. You have tried to convert me into an expert."

"Do you think the conversion will last?" inquired his tormentor with fine sarcasm. Wiley made no reply.

This dire spectacle continued as the afternoon passed. Never for a moment did Jerome ease up his onslaught; never once did he spare his suffering prey, even when the hapless Dr. Wiley was literally shivering away inside of his clothes. The District Attorney seemed to have in him none of the bowels of compassion.

MIGHT BE EPOCHAL INSANITY.

"If a man is born with hereditary insanity and psychopathic temperament from childhood, and if he has a homicidal mania at thirty-six years will he ever again be sane? Will he ever again be free of such impulses?"

"Such impulses might be revived under certain conditions—under the same stress that actuated the first outbreak."

"What was unusual about the killing of Stanford White by Harry Thaw?"

"Well, the whole thing was full of suspicious and insane circumstances. His way of holding his revolver aloft, for example, was another instance of insanity. It was peculiar and unusual."

"Did you ever hear of anybody being killed on top of Madison Square Garden?"

"No."

"Well, that was peculiar and unusual, wasn't it?"

"Yes, I guess it was."

"How does a murderer who is sane usually carry his weapon after killing his victim?"

"I don't know."

"Then if you don't know what is usual in such cases, how do you know Harry Thaw's action was unusual?"

"Well, they were insane actions."

A PARALLEL FOR THAW'S CASE.

Dr. Wiley said he had once known the case of a crazy man who killed his wife and then quietly walked into a stable and waited for the police to come and get him. He said this man's conduct offered a reasonable parallel to Thaw's movements immediately after he had shot White.

Dr. Charles McDonald, one of the alienists for the State, sat in Mr. Garvan's seat prompting Mr. Jerome in his questions.

At 3.40 o'clock the witness, Dr. Wiley, was permitted to leave the stand. He had been on the grill just four hours, and two of them had been very hard wearing hours indeed.

The defense had not once objected to Mr. Jerome's tactics in cross-examination, nor did it offer any questions to ask him when Mr. Jerome got through.

THAW HAD ST. VITUS'S DANCE.

Dr. Wiley's last seat of torment was taken by Dr. Charles Francis Bingham, who said he had known Harry Thaw since Thaw was four years old, and that he had been Mrs. William Thaw's family physician more than thirty years.

"I attended Harry Thaw through mumps, measles and the ordinary ailments of childhood," said the old physician. "He was always of a very nervous temperament and slept so badly that he had to have two nurses at night. He suffered for four weeks from a bad attack of St. Vitus's dance, characterized by crossing of the eyes and twitching of the limbs. I would say that Harry Thaw was always of a neuritic temperament."

This concluded the direct examination, and Dr. Bingham was turned over to the prosecution. Mr. Jerome whispered to Garvan and then announced that he had only one question to ask. He wanted to know how old Harry Thaw was when he had St. Vitus's dance.

"About six or seven years, I should say," said the witness, who was an old gentleman with gold glasses and a heavy white mustache.

NEW WITNESS LEAVES STAND.

Benjamin Bowman mounted the stand. He was a stoutly built man, with a big mustache. He appeared to be about thirty-five years old, and looked like a prosperous workman or clerk.

"I live at No. 1035 Manhattan avenue, Brooklyn," he told Mr. Gleason. "I know Harry Thaw. On or about Jan. 2, 1904, at Eighth avenue and Twenty-eighth street, I met Thaw and had a talk with him."

At this Mr. Jerome arose with a protest. He objected, he said, because

no connection had been shown between the conversation in question and the death of White.

He also pointed out the remoteness of the date of the conversation which Bowman was about to detail.

Mr. Gleason said he wanted time to quote authority. Justice Fitzgerald sustained the objection, but said he would hear Mr. Gleason further on the subject to-morrow.

Since Mr. Bowman could only testify about the conversation with Thaw, in which Thaw was said to have repeated threats made by White against his life, he had to leave the stand.

Mr. Gleason urged that court should now adjourn, but Mr. Jerome said there still remained an hour of time, and there was no reason why another witness should not be called.

THAW'S COUSIN ON THE STAND.

Accordingly, the defense brought forward Alfred Lee Thaw, twenty-four years old, of Pittsburg. Mr. Thaw said he was a cousin of Harry Thaw. He was a good-looking, square-jawed, aggressive-looking man, bearing no resemblance in face, form or manner to the prisoner at the bar.

"My father and Harry Thaw's father were first cousins," began the witness in answer to Mr. Gleason's first question.

"Where was your father at the time of his death?" asked Mr. Gleason.

The Thaw on the stand opened his mouth to answer, but he got no further. Mr. Jerome had another objection on the ground that the condition of the mind of any member of a collateral branch of the defendant's family had no bearing here, especially so remote a branch as first or second or third cousins.

Mr. Gleason argued the question at length. He insisted that he had a right to show insanity in any man who had a common ancestry with Harry Thaw.

Mr. Jerome answered. He argued that the defense had no right to allow Alfred Lee Thaw to tell of the insanity of his father. He said that when insanity existed in the mind of a first cousin the connection was too remote for the uses of this case.

Mr. Gleason got ready to reply again, but became mixed in his quotations and said he'd have to consult his law books.

COURT RULES OUT TESTIMONY.

Justice Fitzgerald said he would admit proofs of direct insanity, but that in the matter of a first cousin being insane he shared Mr. Jerome's view, and would continue to share it until the full law on the subject had been offered to connect the mental weakness of Alfred Lee Thaw's father with the mental weakness in the line of Harry Thaw's direct ancestry.

"For the present, I will sustain the District Attorney's objection," said his Honor. "The line of proof which the defense undertakes to introduce at this time is clearly incompetent. You may reintroduce this witness at any time when his testimony becomes relevant."

"We except to the ruling," said Gleason. "I want to ask the witness one more question."

Turning to Mr. A. Lee Thaw he said:

"Did you see your father in 1895 in an asylum for the insane in Richmond, Virginia?"

The court would not allow the question to be answered.

ANOTHER DOCTOR CALLED.

Therefore, Mr. Gleason had to call his next witness, who proved to be also a physician, Dr. John T. Deemar, of Kittanning, Pa., who said he had known Harry Thaw twenty-five years.

"When Thaw was nine years old," went on the physician, "I treated him for an eruptive disease. I noticed that he was an abnormally nervous and excitable child."

"Did you ever attend Henry C. Copley, the brother of Harry Thaw's mother?"

"Yes."

"What was his mental condition?"

"It was weak."

"Did you ever attend John Ross, a son of Margaret Copley Ross, who was a sister of Mrs. William Thaw?"

"Yes."

"John Ross was a cousin of this defendant, was he not?"

"He was."

"What was John Ross's mental condition?"

"It was weak."

Mr. Jerome again objected to juggling in the mentality of any more cousins at this time. He was sustained in the objection.

Here the court adjourned for the day. Harry Thaw's lawyers were a downcast and bothered group of men as they filed out. Plainly they were not pleased with the day's work, as Mr. Gleason had done it.

THAW INSANE SAYS FIRST EXPERT CALLED BY DEFENSE

Dr. Wylie, of Pittsburg, Declares White's Slayer Had Delusions—Tells of Peculiar Actions in Street Car Year Before Tragedy.

Dr. Charles J. Wylie, called as the first witness on behalf of the defense in the Thaw case, gave his address as Pittsburg, Pa. He is a graduate of the College of Physicians and Surgeons, Pennsylvania. He is a resident physician in the Thaw case, as an expert witness, to give an opinion on the sanity of the defendant, Harry Thaw, at the time of the killing of Stanford White.

Q. State what your opinion is on the sanity of the defendant, Harry Thaw, at the time of the killing of Stanford White?

A. My first experience was in the York County, Pennsylvania, Almshouse, for the insane, where, as an assistant superintendent, I had to look after the insane, prescribe for them and see to their care, etc.

Q. Have you made a study of insanity?

A. I have made a specialty of insanity for the best of my life excepting a period of three years, in which I was engaged in general practice just after my graduation.

Q. Have you served as an expert in cases in court with reference to insanity?

A. Yes.

Q. Have you had experience with reference to the commitment of insane people to hospitals by reason of their insanity?

A. Yes, sir, in the case of a great many persons.

Q. And where are you now practicing?

A. Pittsburg, Pa.

Q. And your specialty is insanity and nervous diseases?

A. Yes, sir.

Q. Do you recognize the defendant, Harry Thaw, as a person you saw in 1905?

A. I do.

Q. Where was your attention particularly directed to Harry K. Thaw, then?

A. During the summer of 1905, I was on a street car. About 9 o'clock in the evening Mr. Thaw came in. In the car, as you know, we have one large door with a window in it, and on either side we have smaller windows. The centre window has blinds which are drawn in the evening to prevent the light of the car from interfering with the observation of the motorist. Mr. Thaw came into the car, without any purpose put up this blind. The conductor came forward and pulled it down. Thaw jumped up and threw up the blind again, and they got into a tussle.

Q. State whether, in your judgment, the action you have described was rational or irrational?

A. Mr. Jerome objected to the question, but the court held the question was not put to the witness as an expert and Dr. Wylie was allowed to answer.

Q. Doctor, were you in court when the evidence was given yesterday?

A. Part of the time.

Q. Assuming, sir, that the man you saw in that street car was proven to you as an expert, to have attended a roof garden on the 25th day of June, 1906, on the occasion of the opening of a theatrical entertainment which was largely attended, and that on walking out from the theatre, with his wife near him, and apparently in a quiet and orderly manner, that man should turn aside and fire three shots from a revolver into a man who was sitting at a table, and to whom he did not speak; that this man then held the pistol above his head and walked quietly toward the elevator; that he gave up the pistol without resistance and did not make any attempt to escape; that he said: "I have ruined my wife," and that immediately thereafter he said to his wife, "I have prob-

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OPTICIANS

DIED.

GILLEN—On Feb. 4, 1907, MARTIN, son of the late Bridget and John Gillen, and brother of the late John and Terence, native of Arranmore, County Sligo, Ireland. Funeral from the residence of Mrs. Barbara Gillen, 322 West 49th st., Wednesday, Feb. 6, 9.30 A. M. to St. Malachy's Church. Interment in Calvary.

O'BRIEN—On Feb. 4, 1907, THOMAS O'BRIEN, beloved husband of Annie Archdeacon. Funeral Wednesday, Feb. 6, at 2.30 P. M., from his late residence, 247 East 65th st. Interment Calvary.

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CAN'T HOLD BABY FOR BOARD BILL

Judge Dickey Orders Landlady to Give Mother Infant on Demand.

Mrs. Mary Watson, a widow, thirty-eight years old, of No. 23 St. Mark's place, Brooklyn, appeared before Justice Dickey in the Supreme Court, Brooklyn, this afternoon to answer a writ of habeas corpus obtained by Mrs. Mary Clarke, twenty-two years old, of No. 174 Duane street. Mrs. Watson had been boarder with Mrs. Clarke, and when the latter asked for her child, Mrs. Watson refused to return him because, she said, a bill of \$2 was still unpaid. When Justice Dickey heard these facts he turned to Mrs. Watson and said:

"On what authority do you keep the child from its mother? You give her the baby at once. Do you understand?"

Mrs. Watson tried to say something more about the board bill, and explained that the child was at her home with Mrs. Watson, and when she returned the child on demand, and Mrs. Clarke hurried to the widow's home, where she got her little Frank.

SINGER GETS \$10,000 FOR LOSS OF VOICE

After a twelve-day trial in which twenty witnesses, including a dozen medical experts and singing experts, gave testimony for and against her, Miss Emma A. Dambmann, who sued the Metropolitan Street Railway Company for \$2,000 for injuries which cost her singing voice, and an engagement worth \$2,000 a year as soloist in the Yonkers Baptist Church, was to-day awarded \$10,000 damages in the Supreme Court.

This was the second trial of the action. On the first a verdict for \$13,975 was brought in by the jury. An appeal was taken and the verdict set aside and a new trial ordered.

Miss Dambmann was alighting from a car at the Grand Central Station on Nov. 24, 1905, when the car gave a sudden jerk, throwing her into the street on her shoulder. She is of statuesque proportions, and the shock and jar of her fall sent her to a sick bed for several months.

BOY WAS ASLEEP IN BIG SNOWDRIFT

That Was All the Home He Had, Because His Father Deserted Him.

Joseph Goodwin, fourteen and bright, was found asleep in the Broadway entrance to the Flatiron Building during the storm last night, covered with snow which swirled down around him. He was taken to the Children's Society rooms, and to-day in the Children's Court told Justice Wyatt that his father, a porter in a cheap lodging-house, had taken him to Philadelphia and deserted him. He had made his way